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EXAMINER
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ART UNIT	PAPER NUMBER
2444	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/622,410	FILES ET AL.
	Examiner	Art Unit	
	MOHAMED IBRAHIM	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 August 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-8 and 10-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-8 and 10-27</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: Claims 21-26 and 27 recite respectively, "computer readable

media" and "computer readable storage medium." However, these phrases lack support

of proper antecedent basis from the instant disclosure. Appropriate correction is

requested.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

 Claim 1 recites the limitation "…receiving from a computing device operated by a

customer of network services from an operator of one or more packet routed networks a

service request…" It is indefinite as to whether the service request is received from the

computing device of the customer or an operator.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-8 and 10-27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chantrain et al. (Chantrain), U. S. Patent Application Publication No.

2002/0194323 in view of Natarajan et al. (Natarajan), U. S. Patent No. 6584502.

Regarding claim 1, Chantrain discloses a method implemented on one or more

computing devices (see e.g. paragraph [0015], configuration change implement in one

or more network elements), comprising: receiving from a computing device operated by

a customer of network services from an operator of one or more packet routed networks

a service request for adding, modifying or canceling a packet transport service on the

one or more packet routed networks having defined service levels on the one or more

packet networks (see e.g. paragraphs [0018], [0020] and [0050]; a request for

configuring a network element is received by the network element controller); and

automatically generating, in response to receiving the service request, updated

configuration data for one or more of a plurality of network elements of said one or more

packet networks necessary for implementing the service request (see e.g. paragraphs

[0039] and [0051]-[0054]; current configuration database is accessed and template of

configuration service change is generated).

Although Chantrain discloses the invention substantially as claimed, it does not explicitly

disclose updating configurations of the one or more network elements according to the

updated configuration data.

Natarajan, however, teaches a technique for providing automatic event notification of

changing conditions to a network element wherein the affected network elements are

updated and the configuration updates are stored in a database cache (see e.g. fig. 10

and col. 13 lines 59-66 and col. 18 lines 42-59). At the time of the invention it would

have been obvious to a person of ordinary skill in the art to combine the teachings of

Natarajan with that of Chantrain. Motivation for doing so would have been to have the

configuration data available for use by the network element in the event of an error (see

Natarajan, col. 9 lines 11-17).

Regarding claim 2, Chantrain-Natarajan teaches further comprising automatically

determining which of the plurality of network elements will be affected by the service

request (see e.g. Chantrain, paragraph [0051]).

Regarding claim 3, Chantrain-Natarajan teaches wherein automatically

generating updated configuration data includes generating confirmation data based at

least in part on data from a network database storing current configuration data for said

one or more network elements (see e.g. Chantrain, paragraphs [0052]-[0054]).

Regarding claim 4, Chantrain-Natarajan teaches wherein automatically

generating updated configuration data further comprises automatically generating said

configuration data based at least in part on a predefined script (see e.g. Chantrain

paragraph [0053]).

Regarding claim 5, Chantrain-Natarajan teaches wherein automatically

generating updated configuration data includes populating predefined templates with

data from a network database storing configuration data on the one or more network

elements and new configuration data based on the service request (see e.g. Chantrain,

paragraph [0052] and [0054] also see Natarajan, col. 18 lines 42-59). The same

motivation utilized in the combination of claim 1, equally applies as well to claim 5.

Regarding claim 6, Chantrain-Natarajan teaches, further comprising running

one or more automated routines for automatically populating the templates with data

from the network database and the new configuration data (see e.g. Natarajan col. 13

lines 59-66). The same motivation utilized in the combination of claim 1, equally applies

as well to claim 6.

Regarding claim 7, Chantrain-Natarajan teaches further comprising verifying

that said new configuration data is consistent with a configuration of said one or more

packet networks (see e.g. Natarajan, fig. 13 item 1306 and col. 33 lines 10-27). The

same motivation utilized in the combination of claim 1, equally applies as well to claim 7.

Regarding claim 8, Chantrain-Natarajan teaches further comprising updating

a network database, storing configuration data for said one or more network elements

with said generated updated configuration data (see e.g. Natarajan, col. 13 lines 59-66).

The same motivation utilized in the combination of claim 1, equally applies as well to

claim 8.

Regarding claim 10, Chantrain-Natarajan teaches further comprising verifying that said

updated configuration of said one or more network elements is consistent with

configuration data, for said one or more network elements, stored in a network database

(see e.g. Natarajan, fig. 13 and col. 33 lines 10-27). The same motivation utilized in the

combination of claim 1, equally applies as well to claim 10.

Regarding claim 11, Chantrain-Natarajan teaches wherein said verifying step

comprises: retrieving said stored configuration data regarding said one or more network

elements from said network database; identifying one or more fields in said updated

configuration of said one or more network elements; and comparing values of said one

or more identified fields with values of corresponding fields in said retrieved

configuration data (see e.g. Natarajan, fig. 15 and col. 26 lines 11-39). The same

motivation utilized in the combination of claim 1, equally applies as well to claim 11.

Regarding claim 12, Chantrain-Natarajan teaches further comprising generating an

exception in response to said values of said one or more identified fields not matching

said values of corresponding fields in said retrieved configuration data (see e.g.

Natarajan col. 26 lines 35-48). The same motivation utilized in the combination of claim

1, equally applies as well to claim 12.

Claim 13 list all the same elements of claim 1, but in computer-implement form rather

than method form. Therefore, the supporting rationale of the rejection to claim 1 applies

equally as well to claim 13. The same motivation utilized in the combination of claim 1,

equally applies as well to claim 13.

Regarding claim 14, Chantrain-Natarajan teaches further comprising retrieving one or

more selected script objects from a plurality of script objects, each of said selected

script objects specifying a network element specific script for a corresponding one of

said one or more affected network elements (see e.g. Chantrain, paragraphs [0052]-

[0053]).

Regarding claim 15, Chantrain-Natarajan teaches further comprising obtaining abstract

connectivity information for each of said one or more affected network elements from

said network database (see e.g. Chantrain, paragraph [0080]).

Regarding claim 16, Chantrain-Natarajan teaches wherein said abstract connectivity

information specifies a manner of connection between said one or more affected

network elements (see e.g. paragraphs [0052] and [0080]).

Regarding claim 17, Chantrain-Natarajan teaches wherein said automatically generating configuration data further comprises: selecting said one or more of said plurality of template fragments; and assembling said selected template fragments into a template (see e.g. Chantrain, paragraphs [0056] and [0058]).

Regarding claim 18, Chantrain-Natarajan teaches further comprising populating said assembled template with said network element inventory data (see e.g. Natarajan col. 13 lines 59-66). The same motivation utilized in the combination of claim 1, equally applies as well to claim 18.).

Regarding claim 19, Chantrain-Natarajan teaches, further comprising communicating said configuration data to each of said one or more affected network elements (see e.g. Chantrain, paragraph [0054]).

Regarding claim 20, Chantrain-Natarajan teaches wherein said automatically generating step is performed prior to said communicating step (see e.g. Chantrain, paragraphs [0053]-[0054]).

Claim 21 list all the same elements of claim 1, but in computer-implement form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies

equally as well to claim 13. The same motivation utilized in the combination of claim 1,

equally applies as well to claim 21.

Regarding claim 22, the limitation of this claim has already been addressed (see claim 2

above).

Regarding claim 23, the limitation of this claim has already been addressed (see claim 3

above).

Regarding claim 24, the limitation of this claim has already been addressed (see claim 4

above).

Regarding claim 25, the limitation of this claim has already been addressed (see claim 5

above).

Regarding claim 26, the limitation of this claim has already been addressed (see claim 6

above).

Regarding claim 27, Chantrain-Natarajan teaches computer readable storage medium

comprising: stored metadata for describing elements of a packet routed network,

relationships between the elements of the packet network, and types of properties to be

stored with respect to each element of the packet routed network; and fields defined by

the metadata for storing configuration data (see e.g. Natarajan, col. 31 lines 35-50). The

same motivation utilized in the combination of claim 1, equally applies as well to claim

27.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-8 and 10-27 have been

considered but are moot in view of the new ground(s) of rejection.

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a

list of relevant prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MOHAMED IBRAHIM whose telephone number is

(571)270-1132. The examiner can normally be reached on Monday through Friday from

7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MI/

/Hassan Phillips/
Primary Examiner, Art Unit 2451